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Attorneys for Defendants
C. R. Bard, Inc. and
Bard Peripheral Vascular, Inc.

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

IN RE: Bard IVC Filters Products Liability
Litigation

No. 2:15-MD-02641-DGC

**DECLARATION OF
CHRISTOPHER SHAUN POLSTON
IN SUPPORT OF DEFENDANTS'
REPLY IN SUPPORT OF ITS
MOTION FOR SUMMARY
JUDGMENT REGARDING
PREEMPTION**

(Assigned to the Honorable David G. Campbell)

I, Christopher Shaun Polston, declare under penalty of perjury, pursuant to 28 U.S.C. § 1746, that the following is true and correct to the best of my knowledge and belief:

1. I am over 18 years of age and am competent to testify about the matters

1 contained herein. The statements contained herein are based on my personal knowledge and
2 upon the basis of the documents cited herein.

3 2. I am an attorney with Nelson Mullins Riley & Scarborough, LLP representing
4 Defendants in this matter.

5 3. On August 12, 2017, I downloaded certain publicly available documents
6 (the “Documents”) from the PACER public docket for the Cook IVC Filter Litigation,
7 1:14-md-2570-RLY-TAB (Doc. 5728-1).

8 4. Upon information and belief, as evidenced by the description of the
9 Documents on the public docket entry, “Exhibit B – FOIA Documents,” as well as the
10 bates-stamp on these public Documents, “COOKFOIA,” these Documents appear to have
11 been obtained by the Cook Defendants pursuant to a FOIA request.

12 5. On August 18, 2017, Defendants produced these Documents to Plaintiffs in
13 this matter. A true and correct copy of portions of these Documents is attached hereto as
14 **Exhibit H.**

15 I declare under penalty of perjury, under the laws of the United States, that the
16 foregoing is true and correct.

17 Executed on this 27th day of September, 2017.

18 
19 Christopher Shaun Polston